

Notice of Allowability

Application No.

10/733,572

Examiner

RAMON O. RAMIREZ

Applicant(s)

ROBINSON ET AL.

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/12/03.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/12/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dolph Torrence on Aug 31, 2004.

The application has been amended as follows:

I in the Abstract:

line 1, "The" has been changed to - - A - -, and "cntainer" has been changed to

- - container - - ;

II claims 1-5 have been amended as follows:

1. A cup holder device, comprising:

a cylindrical container having a bottom wall and an open top;

an array of elongate pins oriented vertically and parallel

to each other ~~[[are]]~~ and confined in said container;

each pin ~~comprises~~ comprising a cylindrical upper pin element ~~which~~

~~overlaps frictionally~~ and a solid lower pin element, said upper pin element frictionally

overlapping said lower pin element, said upper and lower pin elements being separated

by a spring in the upper pin element ~~and is separated~~

~~by a spring in the upper pin element; and~~

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each solid lower pin element ~~based on~~ engaging said bottom wall;

whereby a drinking cup containing liquid ~~can be positioned on the upper pin elements is~~
maintained in a stable position.

2. The cup holder device according to claim 1, further
comprising a first horizontal apertured wall supporting ~~supports~~ a median
portion of each top pin element.

3. The cup holder device according to claim 1, further
comprising additional smaller apertures in a peripheral region
of the first horizontal apertured wall providing ~~provides~~ drainage.

4. The cup holder device according to claim 3, further
comprising a second horizontal apertured wall supporting ~~supports~~ a bottom
open end of each top pin element

5. The cup holder device according to claim 4, ~~wherein~~ further comprising
additional smaller apertures in peripheral regions of the second
horizontal apertured wall providing ~~provides~~ drainage.

EXAMINER'S AMENDMENT TO THE DRAWINGS

The following changes to the drawings have been approved by the examiner and
agreed upon by applicant: in Fig 2, reference numeral "24" (lower left corner) has been
changed to - - 22 - -.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

none of the art record discloses a cup holder comprising a container and a plurality of pins, each comprising an upper and a lower pin separated by a spring element on the upper pin supporting and maintained said cup on a stable position within the container.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (703) 308-0748. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESLIE BRAUN can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RAMON O. RAMIREZ
Primary Examiner
Art Unit 3632

ROR
August 31, 2004

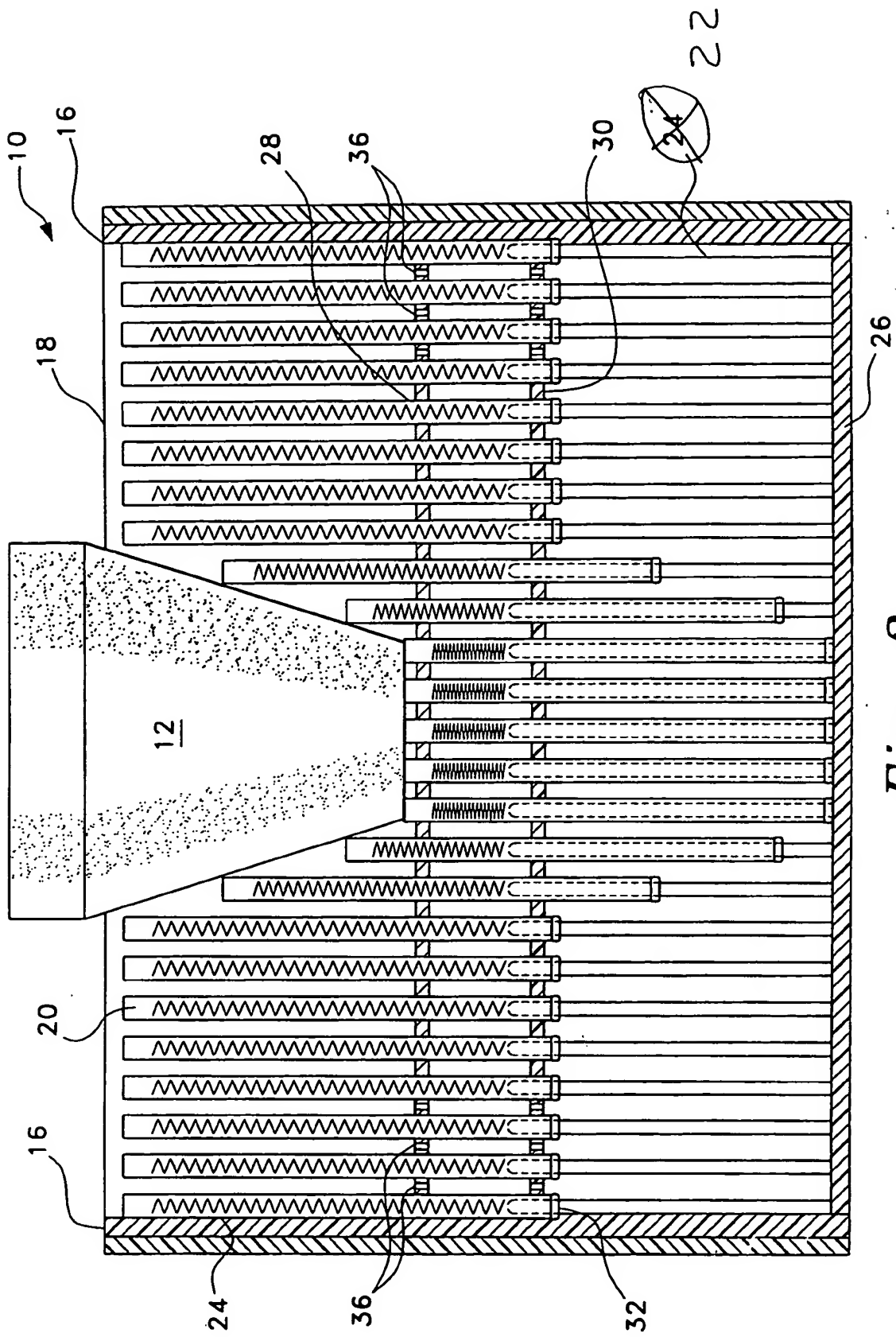


Fig. 2